

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Department of Employment Services

VINCENT C. GRAY  
MAYOR



LISA MARÍA MALLORY  
DIRECTOR

**COMPENSATION REVIEW BOARD**

**CRB No. 12-074(R)**

**DAVID YOUNG,  
Claimant–Petitioner,**

**v.**

**INSTITUTE FOR PUBLIC-PRIVATE PARTNERSHIP  
and TRAVELERS INDEMNITY CO. OF AMERICA,  
Employer and Carrier-Respondents.**

Upon Remand from the District of Columbia Court of Appeals,  
DCCA No. 12-AA-0917 (November 7, 2013)

Benjamin T. Boscolo, for the Claimant  
Roger S. Mackey, for the Employer and Carrier

**ORDER ON REMAND**

On November 7, 2013, the District of Columbia Court of Appeals issued an Opinion in *Young v. District of Columbia Department of Employment Services et al.*, No. 12-AA-0917 that reversed the Compensation Review Board’s (CRB) decision in *Young v. Institute for Public-Private Partnership*, CRB No. 12-074, AHD No. 10-265, OWC No. 629016 (June 19, 2012).

The District of Columbia Court of Appeals concluded:

For all these reasons, we hold that, where an employee is being compensated via a contract fixed by the year, that provides both for an annual salary and a monthly housing allowance, his AWW must be calculated on the terms of wages—both salary and housing—committed to in the contract. The result is that, in this case, Mr. Young’s AWW must be properly calculated as \$48,000 in salary added to the \$14,400 in lodging divided by 52 weeks, for a total of \$1,200.

*Young v. District of Columbia Department of Employment Services and Institute for Public-Private Partnership, et al., Intervenors*, No. 12-AA-0917 (D.C. 2013).

In light of the Court’s decision stating the claimant’s average weekly wage, there is but one action that the Court’s decision would permit. Therefore, a remand to the ALJ would be superfluous and unnecessarily delay a final decision.

The CRB shall exercise our authority under 7 DCMR § 267.5 and issue an amended Compensation Order.

AMENDED COMPENSATION ORDER

Consistent with the remand instructions from the District of Columbia Court of Appeals, Claimant's average weekly wage is \$1,200. Except as amended, the Order stated in the ALJ's April 18, 2012, Compensation Order on Remand shall remain in full force and effect.

/s/ *Lawrence D. Tarr*

LAWRENCE D. TARR

*Chief Administrative Appeals Judge*

November 25, 2013

DATE